

I am a private citizen, currently licensed under the Amateur Radio service as W4KAZ, and previous holder of a license under WB5VWK. As an individual, I have several observations and comments regarding BPL and the NPRM on Part 15 rules changes.

First, I support the motion by the ARRL requesting an extension to the comment period regarding this NPRM. I think the FCC will best serve the public interest by allowing a modest amount of extra time for all parties to explore results from the report being compiled by the NTIA.

The levels of interference being produced during local tests by Progress Energy of BPL equipment in the Raleigh area are inconsistent with prior industry spokesmen claims of "no interference". There is interference, the levels of interference increase with proximity to the test installation, and the interference is harmful to licensed two-way radio communications and to international short wave broadcast reception. Fortunately, this harmful interference is currently confined to a handful of remote semi-rural locations.

I do not wish to have these levels of harmful interference being generated on the utility pole in my front yard. Nor do I wish to see these S9+ levels of interference being generated 24 hours a day, 7 days a week, 365 days a year. I also do not wish to see these high levels of harmful interference being introduced over hundreds of square miles of electrical utility infrastructure, blanketing entire geographic regions in every direction.

While the levels of interference are difficult for laymen to quantify, they are very easy for laymen to demonstrate and observe. This has been done elsewhere extensively, and by people far more qualified than I on the technical issues. Surely, even the most humble holder of a Juris Doctorate, if both impartial and equipped with a widely available fifty dollar short wave receiver, would be able to perceive the harmful interference in our local test area.

But the fact is that lawyers acting as advocates and company spokesmen, have their clients' interests at stake, and little reason to be impartial. In fact, their profession requires that they obscure and ignore facts contradictory to their clients' interests. I wish to herein counter some of the emotional arguments being made in favor of BPL by its supporters, and explore questions I have not yet seen discussed. I have come to think that the acronym "BPL" might actually in practice mean "Blue-sky, Prevarication, and Lies".

Broadband over Power lines, as implemented and tested locally, seems a poor choice of technologies to be allowed to operate under Part 15 in the HF spectrum. This technology is operated as "always on", unlike many other devices that operate under Part 15, and generates demonstrably high levels of harmful interference.

Industry suggestions for "notching" of individual frequency allocations is in my opinion an admission that the interference is both substantial and harmful, and contradicts previous industry

claims of "no interference".

I ask that the Commission consider carefully other ramifications before allowing widespread BPL rollouts to operate under Part 15. Judging by interference levels generated in our local test areas, a BPL rollout using this particular technology will greatly diminish the abilities of licensed users with primary allocations within the rollout areas to have access to their allocated frequencies.

Extrapolating these observations from local tests statewide, or nationwide, in my opinion, will result in a defacto re-allocation of the effected HF and lower VHF spectrum. Because the effected spectrum will become useless to primary license holders, BPL providers will therefore become the defacto primary license holders, bypassing the FCC allocation processes and international treaty regarding this portion of the spectrum.

Now, it is certainly the prerogative of the Commission to consider frequency reallocation, but is spectrum reallocation really the current goal? If spectrum reallocation is the goal, is this method proper? After 100 years of innovation and service, does the commission wish to terminate the amateur radio service?

If there is really "no interference", as claimed, surely the spectrum between 50 and 107 MHz would be just as suitable and technically feasible? If the interference is minor, then unique properties of the VHF versus the HF spectrum make this substitution an obvious method of interference mitigation, as VHF frequencies seldom propagate beyond the horizon. Certainly there will be no complaints from the FM broadcasters, or their audience, because we "know" the lawyers told us there is "no interference".

Also, is the BPL approach to widespread broadband access truly in the public interest if it results in licensed users being deprived of their privileges due to interference? Does the Commission wish to render licensing moot? Will the law-abiding citizen be sacrificed for the "robber baron" or the warm and fuzzy "social equity" arguments?

What of the many small business interests that will be harmed via a defacto change in "primary" users of the affected frequencies? Within amateur radio alone, there are many small businesses that could be adversely affected if the trade in radio equipment is rendered unprofitable.

I am a great advocate of allowing market forces to help provide new technologies and resources to consumers. However, would a defacto reallocation of the HF spectrum to BPL providers not actually undermine a fair and equitable market place by favoring these companies over their potential competitors who may be forced to obtain their own spectrum privileges via public auction?

Finally, is the Commission willing to dedicate resources to aggressive enforcement of Part 15 violations? Has Congress authorized additional funds for enforcement purposes? Are there any penalties for repetitive violations by BPL providers? I suspect these complaints will be numerous and vehement.

I am no Luddite opposed to all new technologies, and I am a great fan of broadband internet service. I will gladly support any effort that will bring widespread affordable broadband access, if the efforts can be shown to function without the hidden cost of harmful interference. Current license holders within the affected spectrum are being asked to pay a heavy price to enable this business rollout, with absolutely no recourse explicitly outlined in the NPRM.

I also know that there are less onerous ways to achieve the goals of inexpensive broadband access than those being tested locally. I would also ask that the Commission act as impartially as possible, and act on the technical merits of the various proposed technologies. Local BPL tests do not appear to be a technologies that can reasonably co-exist with licensed services. My interpretations of Part 15 and the proposed changes do little to address my concerns.

Advocate sound engineering practices!

This will surely lead to more actual competition, and reduce costs of service for poor and rural areas more effectively than granting sweeping new spectrum emissions privileges to un-proven technology based on questionable claims, hyperbole, and a thick public relations budget. If dedicated spectrum is required to use the technology, the dedicated spectrum should be obtained via proper and long followed methods of spectrum allocation.

In this case the noble ends do not justify the ignoble means, nor do they outweigh the hidden costs.

Thank you for taking time to consider my comments.

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